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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/742,691

12/19/2003

Eric T. Eaton

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09/20/2006

Scott M. Garrett
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EXAMINER

MEHRPOUR, NAGHMEH

ART UNIT

PAPER NUMBER

2617

DATE MAILED: 09/20/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/742,691	Applicant(s) EATON ET AL.	
	Examiner Naghmeh Mehrpour	Art Unit 2617	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-17 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-17 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>12/19/03</u> . | 6) <input type="checkbox"/> Other: ____. |

DETAILED ACTION

Information Disclosure Statement

1. The information disclosure statement filed reference listed in the information Disclosure Submitted on 12/19/03 have been considered by the examiner (see attached PTO-1449

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. **Claims 1-7, 20-17**, are rejected under 35 U.S.C. 102(e) as being anticipated by Esque et al. (US publication Number 2004/0203622).

Regarding claims 1, 14, Esque teaches a method of operating a mobile communication device/system during an emergency situation, comprising:

receiving at the mobile communication device from a communication system an emergency message (0025);

transitioning the mobile communication device from a regular mode of operation to an emergency mode of operation in response to receiving the emergency message (0025-0026); and

allowing only a status message to be transmitted from the mobile communication device while in the emergency mode of operation (0009-0022).

Regarding claim 2, Esque teaches a method of operating a mobile communication device as defined in claim 1, further comprising alerting a user of the mobile communication device in response to receiving the emergency message (0023).

Regarding claim 3, Esque teaches a method of operating a mobile communication device as defined in claim 2, wherein alerting the user comprises providing a visual alert (0023-0024).

Regarding claim 4, Esque teaches a method of operating a mobile communication device as defined in claim 3, wherein providing a visual alert comprises illuminating a status response button of the mobile communication device (0024, 0028).

Regarding claim 5, Esque teaches a method of operating a mobile communication device as defined in claim 3, wherein providing a visual alert comprises displaying an icon on a display of the mobile communication device (0028).

Regarding claim 6, Esque teaches a method of operating a mobile communication device as defined in claim 2, wherein alerting the user comprises providing an audible alert (0023, 0031)).

Regarding claim 7, Esque teaches a method of operating a mobile communication device as defined in claim 2, wherein alerting the user comprises providing an tactile alert (0030).

Regarding claim 10, Esque teaches a method of operating a mobile communication device as defined in claim 1, wherein allowing only the status message to be transmitted comprises transmitting the status message in response to actuation of a status response button (0036, 0037).

Regarding claim 11, Esque teaches a method of operating a mobile communication device as defined in claim 1, wherein allowing only the status message to be transmitted comprises transmitting the status message in a short message service message (0021, 0022).

Regarding claim 12, Esque teaches a method of operating a mobile communication device as defined in claim 1, wherein allowing only the status message to be transmitted comprises transmitting the status message to a remote party via the communication system (0035-0038).

Regarding claim 13, Esque teaches a method of operating a mobile communication device as defined in claim 1, wherein allowing only the status message to be

transmitted comprises transmitting the status message to a status update server of the communication system (0036-0037).

Regarding claims 15-16, Esque teaches a method of operating a mobile communication device/system during an emergency situation, comprising:
receiving a channel request from a mobile communication device at a base station, the base station having been determined to be in an area affected by the emergency situation (0025);

if the channel request indicates the mobile communication device intends to transmit a status message, granting the request, receiving the status message from the mobile communication device and forwarding the status message to a remote party, if the channel request indicates the mobile communication device is an emergency subscriber, granting the request and allowing the emergency subscriber to have normal communication service (0034-0038); and

ignoring the channel request if the channel request is not from an emergency subscriber or for transmitting a status message (0034-0039).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over by Esque et al. (US publication Number 2004/0203622).

Regarding claim 8, Esque fails to mention a method of operating a mobile communication device as defined in claim 2, wherein providing the tactile alert comprises actuating a mechanical vibrator of the mobile communication device. However Examiner takes official notice that mention a method of operating a mobile communication device as defined in claim 2, wherein providing the tactile alert comprises actuating a mechanical vibrator of the mobile communication device is well known in the art. Therefore, it would have been obvious to ordinary skill in the art at the time the invention was made to combine the above teaching of with Esque, in order to provide emergency alert that is suppose to be known to the particular user, with out disturbing other people.

5. Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over by Esque et al. (US publication Number 2004/0203622) in view of Raith (US Patent 6,633,754).

Regarding claim 9, Esque fails to teach a method of operating a mobile communication device as defined in claim 1, wherein receiving the emergency message comprises receiving the emergency message in a broadcast control channel transmitted by the communication system. However, Raith teaches a method of operating a mobile communication device as defined in claim 1, wherein receiving the emergency message comprises receiving the emergency message in a broadcast control channel transmitted by the communication system (col 3 lines 61-67, col 4

- lines 1-30). Therefore, it would have been obvious to ordinary skill in the art at the time the invention was made to combine the above teaching of Raith with Esque, in order to modify the retransmission rules to reduce access time.

Conclusion

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Raith et al. (US Patent 6,115,596) disclose system and method for handling emergency calls in hierarchical

Josenhans et al. (US Publication 2006/0160560 A1) disclose mobile communication device cover and method for its operation

McCalmont (US Patent 6,771,742 B2) disclose geographic routing of emergency service call center emergency calls

7. **Any responses to this action should be mailed to:**

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Naghmeh Mehrpour whose telephone number is 571-272-7913.

The examiner can normally be reached on 8:00- 6:00.

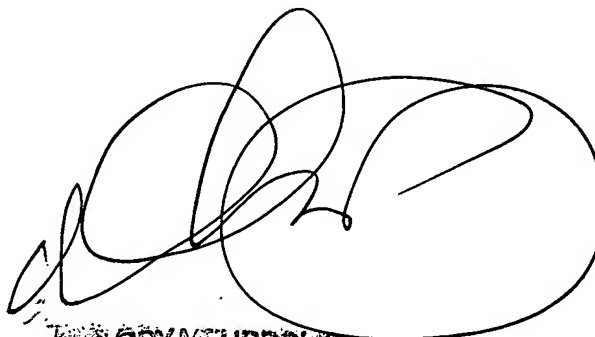
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nick Corsaro be reached (571) 272-7876.

The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

NM

September 14, 2006



MELODY MEHROUPE
PATENT EXAMINER